

Exhibit 15

Exhibit 15

UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

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5 JAMES O'DOAN,)
6 Plaintiff,)
7 vs.) Case No. 3:17-CV-00293-LRH-VPC
8 RENO POLICE OFFICER JOSHUA)
9 SANFORD, RENO POLICE OFFICER)
10 CADE LEAVITT, and THE CITY)
11 OF RENO, a political)
12 subdivision of the State of)
Nevada; and JOHN DOES 1-X,)
inclusive,)
Defendants.)

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15

DEPOSITION OF APRIL LYNNE OFRIA

16

JANUARY 25, 2018

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24 Reported by: JULIE ANN KERNAN, CCR #427, RPR
25 Job No. 446473

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1 APPEARANCES

2 For the Plaintiff: LUKE BUSBY
3 Attorney at Law
316 California Avenue
#82
4 Reno, Nevada 89509

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6 For the Defendants: MARK HUGHS
7 Deputy Reno City Attorney
1 East First Street
Third Floor
8 Reno, Nevada 89501

9

10 Also present: James O'Doan

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1 PURSUANT TO NOTICE AND STIPULATION, and
2 on Thursday, the 25th day of January, 2017, at the hour of
3 9:02 a.m. of said day, at the offices of the Reno City
4 Attorney, 1 East First Street, Third Floor, Reno, Nevada,
5 before me, Julie Ann Kernan, a notary public, personally
6 appeared APRIL LYNNE OFRIA.

7 ---o0o---

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9 APRIL LYNNE OFRIA,
10 called as a witness herein, being first
11 duly sworn, was examined and testified
12 as follows:

13

14 EXAMINATION

15 BY MR. HUGHS:

16 Q **Good morning.**

17 A Good morning.

18 Q **Would you please state your full name.**

19 A April Lynne Ofria.

20 Q **And will you please spell your full name.**

21 A A-p-r-i-l L-y-n-n-e O-f-r-i-a.

22 MR. HUGHS: Did I just hear a knock?

23 REPORTER: Yes, you did.

24 MR. HUGHS: Excuse me just a moment, please.

25 BY MR. HUGHS:

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1 We left the hospital. We went to get some
2 groceries. It was very hot at the house so I wanted to
3 make sure we had liquid. So we got Kool-Aid. We took him
4 home. And I just didn't fill that prescription, I -- since
5 he's been with me he's never had two in one day. I thought
6 we were in the clear.

7 We get home. He takes a shower to clean himself
8 up because he ended up -- excuse me, I need to go back. He
9 was walking around the house. REMSA came, fire men came,
10 they were following him, going around the house and he
11 ended up jumping the fence into the neighbor's yard, then
12 jumped her fence, then went out to Sun Valley Boulevard and
13 was walking up Sun Valley Boulevard, is what I was told.
14 He jumped the fence. He said "I lost him. I gotta go find
15 him."

16 He told me to call my mom back in the house.
17 They ended up taking James to the hospital. Then when we
18 got home, he showered. He cut his feet up pretty bad when
19 he hopped the fence and went through all the goatheads in
20 our yard. He took a shower. He came out. He was sitting
21 on the couch, you know, hours had passed, but he -- he was
22 having difficulty, all of a sudden having difficulty having
23 a conversation. I looked at him. He said "I need to take
24 a shower."

25 Q Are you starting to go into the second?

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1 stationed right out by the house.

2 **Q And did you go outside as well?**

3 A Yes. I went outside and spoke with REMSA. They
4 asked me -- are you told to call an ambulance when he has
5 his seizures? And I said yes. He asked me "Is this all
6 that ever happens is him walking in circles?"

7 And I said "No, this is relatively mild."

8 **Q And he was still walking in circles at that
9 time?**

10 A Yes.

11 **Q Okay.**

12 A Then there was a -- the EMT, I believe, was
13 following him. He came back around the house and said he
14 lost him. He believed he jumped the fence. So the fire
15 men told me to get my mom inside because my mom was
16 wandering trying to find him. And the fire truck actually
17 went to go look for him.

18 **Q So fire had responded as well?**

19 A Yes. I don't recall seeing them, but I know
20 that -- yes. Yes. No, I do, I remember them because they
21 had to turn around because we're at a dead end now, too. I
22 was pretty impressed with the way he was able to turn the
23 fire truck around in that dead end. And they went to go
24 look for James.

25 **Q And would that be the Truckee Meadows Fire**

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1 me.

2 Q Did you ask to speak with the police?

3 A No.

4 Q Okay.

5 A She told me "Reno PD's involved. You need to go
6 home."

7 Q Okay. So she refused to allow you to speak to
8 the police?

9 A Yeah, I -- that's really what she just kept
10 saying to me. And I said "Don't you care?"

11 "Of course I care. Reno PD's involved. You need
12 to go home."

13 Q Were you under the impression that Reno PD had
14 told her that you were not permitted to see Mr. O'Doan?

15 A Yes.

16 Q What gave you that impression?

17 A The fact that I wasn't allowed to see him
18 because Reno PD was involved.

19 Q And that was unusual based on your experience?

20 A Absolutely.

21 Q Okay. Based on your experience of visiting Mr.
22 O'Doan in the hospital after prior seizures.

23 A Yes. No one's ever kept me from him.

24 Q Okay. I'd like to show you a video.

25 A Yeah.

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1 Q And I'd like to ask you a few questions about
2 that.

3 And Mr. Hughs, I'd like to reserve an exhibit for
4 the video we disclosed in our Federal Rules of Civil
5 Procedure 3rd supplement, labeled 20170701-200520.

6 MR. HUGHS: So are you saying you're making it an
7 exhibit for this deposition?

8 MR. BUSBY: I am, yeah.

9 MR. HUGHS: Okay. And you'll provide it to the
10 reporter?

11 MR. BUSBY: Of course, yeah.

12 MR. HUGHS: Okay.

13 MR. BUSBY: And we can discuss how to do that
14 after, but I'd like to play the video for the witness. And
15 Mr. Hughs, if you'd like to see it as well, I can put it at
16 an angle. Can you see?

17 MR. HUGHS: Yes.

18 MR. BUSBY: Okay.

19 BY MR. BUSBY:

20 Q Ms. Ofria, can you see the video?

21 A (Nods head.)

22 (Video is played which will be Exhibit 2.)

23 BY MR. BUSBY:

24 Q Okay. Ms. Ofria, do you recognize the video you
25 just saw?

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1 A Yes.

2 Q Okay. And do you recall the contents of your
3 conversation with Sergeant Browett?

4 A Yes. I told him that I had called an ambulance.
5 I don't understand what happened. He said that he was
6 arrested. I said "I called an ambulance for seizure. Do
7 you see how this is unfair?"

8 And he said that it is not their job to assess a
9 situation. Basically, it's their job to just arrest and
10 let the courts or let whomever figure it out. They're not
11 there to judge the situation which I think is crazy, but.

12 Q Was it your understanding that sergeant Browett
13 had ratified the decision of the officers who arrested Mr.
14 O'Doan?

15 A That's what it seemed like to me. He also said
16 he's a little banged up, but he'll be fine.

17 Q Okay. Do you believe that it was within
18 Sergeant Browett's authority to release Mr. O'Doan?

19 A Not sure I understand the question.

20 Q Did he give you the impression, Sergeant
21 Browett, that there was -- that he was receptive to
22 releasing Mr. O'Doan if he were provided with information
23 that would have been exculpatory?

24 MR. HUGHS: Objection. Calls for speculation.

25 THE WITNESS: I -- um. I still guess I still

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1 A Yes.

2 Q And that it was related to epilepsy.

3 A Yes.

4 Q And the word epilepsy was used as well.

5 A I'm not sure. I believe so. I -- but I'm not
6 sure.

7 Q Okay. So when was the first time you saw Mr.

8 O'Doan after he was arrested on July 15th, July 15, 2016?

9 A When his mom bailed him out and brought him to
10 the house the following day.

11 Q What did he look like?

12 A He looked like he was beaten and he looked very
13 out of it. He couldn't -- he couldn't carry on a
14 conversation. I was concerned of his -- he looked like he
15 may have another one.

16 Q When you say he looked like he was beaten, can
17 you describe what you saw that made you think that?

18 A The -- he had road rash on his face and his
19 head. And his hands were very swollen. His right hand was
20 very swollen. He had chunks out of his left wrist. I
21 believe he had a chunk of skin just hanging on his shin.
22 His knees very damaged, top of his feet were very damaged.

23 Q Had you ever seen him look like this before
24 after having a seizure?

25 A Never. And never after a confrontation with a

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1 he's climbed a razor wire at work. He's -- when people try
2 and restrain him, he has -- you know, he's very strong and
3 people try and restrain him he can throw people twice his
4 size. He is scared of being hurt. He is scared of hurting
5 somebody. He's scared of not having someone who knows him
6 with him in case this happens. He's scared of not having
7 an advocate with him so that person can explain what's
8 going on.

9 **Q Does anyone who knows Mr. O'Doan reasonably well**
10 **have clear understanding of his condition?**

11 A Um, I believe his mom and my mom are really the
12 only people that have been there with him. His mom has
13 been with him his whole life, but my mom and I have known
14 him since he was 19.

15 **Q So would it be fair to say that he's regarded by**
16 **those who know him as having an impairment?**

17 A Yes.

18 **Q Okay. Do you believe that this impairment**
19 **substantially limits his major life activities?**

20 A I know that they are few -- they're far between,
21 but they -- they are so traumatic and damaging that
22 day-to-day he does limit his activities out of fear.

23 **Q Do you believe that part of Mr. O'Doan's**
24 **depression which was discussed earlier is a consequence of**
25 **his encounter with police July 15, 2016?**

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1 STATE OF NEVADA)

2 COUNTY OF WASHOE)

3 I, JULIE ANN KERNAN, a notary public in and

4 for the County of Washoe, State of Nevada, do hereby

5 certify:

6 That on Thursday, the 25th day of January,
7 2018, at the hour of 9:02 a.m. of said day, at the Offices
8 of the Reno City Attorney, 1 East First Street, Third
9 Floor, Reno, Nevada, personally appeared APRIL LYNNE OFRIA,
10 who was duly sworn by me to testify the truth, the whole
11 truth, and nothing but the truth, and thereupon was deposed
12 in the matter entitled herein;

13 That said deposition was taken in verbatim
14 stenotype notes by me, a Certified Court Reporter, and
15 thereafter transcribed into typewriting as herein appears;

16 That the foregoing transcript, consisting of
17 pages numbered 1 through 144, is a full, true and correct
18 transcript of my said stenotype notes of said deposition to
19 the best of my knowledge, skill and ability.

20

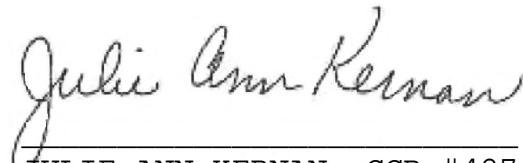
21 DATED: At Reno, Nevada, this 1st day of February, 2018.

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JULIE ANN KERNAN, CCR #427